

REMARKS

The Applicant has received and reviewed the courtesy copy of the Office Action dated May 19, 2005 wherein the Office objected to claims 1, 8, 16 due to informalities; rejected claims 1-17 under 35 U.S.C. 102(b) as being anticipated by the reference of Fireman et al. (U.S. Patent No. 5,327,591) and rejected claim 20 under 35 U.S.C. 102(b) as being anticipated by the reference Djie (U.S. Patent No. 5,315,722). The Office however allowed claims 18 and 19.

Objections to the Claims

Claims 1, 8, 16 stand objected due to various informalities. More specifically, the Office stated:

- “1) In claim 1, line 9: The term “side” should be changed to - - sides- -.
- 2) In the first line of claims 8 and 16: The phrase --at least one-- should be inserted before the term “catch”.”

In response to the above, the Applicant has amended claims 1, 8, 16 per the Office’s suggestion. It is for the aforementioned that the Applicant respectfully request that the Office’s objections of claims 1, 8, 16 be withdrawn.

Rejection under 35 U.S.C. 102(b) to the reference of Fireman et al.

Applicant’s claims 1-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by the reference of Fireman et al. (U.S. Patent No. 5,327,591).

In regards to the Office's rejection of independent claims 1 and 11, Applicant's independent claim 1 has been amended to now call for a furniture frame having ".... a prop bar fixedly secured to said at least one pivotal supporting member ..." (emphasis added) and Applicant's independent claim 11 has been amended to now call for a furniture frame having ".... a prop bar fixedly secured to said pivotal support members of said first section ..." (Emphasis added.)

It is submitted that the reference of Fireman et al does not teach the prop bar of Applicant's amended claims 1 and 11. In regards to Fireman's support rail 24, which the Office cites on page 2, lines 18-19 and page 4, lines 11-14 of the Office Action as teaching the prop bar of Applicant's claims 1 and 11, although the Applicant continues to disagree with the Office's aforementioned position, the Applicant submits that the present amendments to claims 1 and 11 further clarifies the differences between Fireman's support rail 24 and the prop bar of Applicant's claims 1 and 11. More specifically, Applicant's amended claims 1 and 11 each call for a prop bar fixedly secured to a pivotal support member. The Applicant respectfully submits that the reference of Fireman does not teach a prop bar fixedly secured to a pivotal support member. Note that Fireman's support leg 21, which the Office refers to on page 2, lines 18 of the Office Action as a support member, is not pivotal. Fireman instead shows in Figures 1, 2, 3, and 4 that Fireman's support leg 21 is secured to Fireman's support rail 24 in a fixed condition. In regards to Fireman's legs 46 and 47, note in Figures 1, 2, 3, and 4 which shows that Fireman's legs 46 and 47 are not fixedly secured to Fireman's support rail 24.

Applicant's amended independent claims 1 and 11 each also call for a furniture frame having:

“....at least one catch member fixedly secured to one of said sides of said second section, said catch member having at least one prop bar engaging notch for receiving a portion of said prop bar thereon to support said furniture frame in a couch condition.” (Emphasis added.)

The Applicant submits that the reference of Fireman et al does not teach the above catch member of Applicant's amended claims 1 and 11. In regards to Fireman's detent 40, which the Office on page 2, lines 20-21 and on page 5, lines 1-3 refers to as a catch member, the Applicant respectfully submits that Fireman's detent 40 is different from the catch member of amended Applicant's claims 1 and 11.

Note that Applicant's amended independent claims 1 and 11 each calls for a “... catch member fixedly secured to one of said sides of said second section ...” (Emphasis added.) It is submitted that the reference of Fireman does not teach the aforementioned as Fireman teaches his detent 40 as being pivotable or moveable with respect to Fireman's seat frame 10. (See for example column 7, lines 47-59 and Figures 1-4 of Fireman.) Referring to Figure 1 of Fireman, note that Fireman also does not teach his detent 40 as having a “...prop bar engaging notch for receiving a portion of said prop bar thereon to support said furniture frame in a couch condition” as called for in Applicant's amended claims 1 and 11. (Emphasis added.) Fireman instead teaches, in column 7, lines 47-50, that his detent 40 operates during the initial process of converting Fireman's device from a sofa bed position to a recliner position. It is noted that during the process of converting Fireman's device from a sofa bed position to a recliner position, Fireman's detent 40 disengages and

moves away from his end frame 40. (Column 7, lines 53-57.) In view of the aforementioned, the Applicant submits that Fireman's detent 40 does not engage a portion of his support rail 24 to support his device when Fireman's device is in its recliner position.

In further regards to the above, on page 4, lines 15-18 the Office stated:

"Moreover, the examiner respectfully maintains that the at least one catch member (40) of the furniture frame (1) of Fireman et al. '591 supports the furniture frame in a couch position as shown in Figure 3 of the reference ..."

The Applicant respectfully but strenuously disagrees with the Office's above statement. In regards to Fireman's Figure 3, the Applicant submits that Fireman's Figure 3 does not show Fireman's device in a couch positioned but instead shows Fireman's device in a converting condition. The aforementioned is supported in column 5, lines 50-52 wherein Fireman specifically states:

"FIG. 3 is a side elevation of the sofa bed recliner of FIG. 1, with the seat frame engaged for reconversion to a recliner position." (Emphasis added.)

In further regards to the above, note that Fireman specifically states in column 5, lines 46-47 that Fireman's Figure 1 instead shows his device in a recliner position.

Applicant's amended independent claim 1 further calls for a furniture frame that includes a "... first section having at least one wheel rotatably secured thereto..." and Applicant's amended independent claim 11 further calls for a furniture frame having "...at least one wheel rotatably secured to said first section ..." The Applicant submits that the reference

of Fireman et al does not teach at least one wheel rotatably secured to a first section of Fireman's device. Referring to Figures 2, 3, and 5, note that the reference of Fireman instead teaches his wheel 22 as secured to his support leg 21 and not to Fireman's end frame 30 and back frame 20. (Page 2, lines 15-17.)

It is for the above reasons that the Applicant respectfully submits that Applicant's method claims 1 and 11, as amended, are allowable over the reference Fireman et al.

In regards to Applicant's claims 8 and 16, Applicant's claim 8 has been amended to call for a furniture frame having:

“...a catch member having a first prop bar engaging notch and a second prop bar engaging notch for receiving a portion of said prop bar thereon to support said furniture frame in a couch condition.” (Emphasis added.)

Applicant's claim 16 has been amended to call for a furniture frame that includes:

“...a catch member having a first prop bar engaging notch and a second prop bar engaging notch with each notch for receiving a portion of said prop bar thereon to support said furniture frame in a couch condition.” (Emphasis added.)

It is submitted that the reference of Fireman does not teach the catch member of Applicant's amended claims 8 and 16. More specifically, Fireman does not teach a catch member “...for receiving a portion of said prop bar thereon to support said furniture frame in a couch condition.” The reference of Fireman also does not teach “...a catch member having a first prop bar engaging notch and a second prop bar engaging notch for receiving a portion of said prop bar thereon ...”

In regards to the Office's statement on page 4, lines 1-2 of the Office Action that Fireman shows "... a catch member having a first notch and a second notch in Figure 5 ...," the Applicant strenuously disagrees with the Office's aforementioned statement. Referring to Fireman's Figure 5, note that Fireman's detent 40 does not include a first notch and a second notch for engaging a portion of his support rail 24, which the office referred to as a prop bar (page 3, lines 2-3 of the Office Action). Fireman instead in Figure 5 shows two separate detents 40 each having a single region that is not numbered but is shown in Figure 3 for engaging a portion of his support rail 24 in the conversion position.

It is for the above reasons that the Applicant submits that Applicant's amended claims 8 and 16 are allowable over the reference of Fireman.

In regards to Applicant's claim 9, Applicant's amended claim 9 calls for a furniture frame that includes:

"...at least one stop member located on the side of the first section in a fixed condition for limiting the movement of the support member of the first section when the furniture frame is in the bed position." (Emphasis added.)

The Applicant submits that the reference of Fireman does not teach the stop member of Applicant's amended claim 9. In regards to Fireman's joining first leg 46 and second leg 47, which the Office on page 4, lines 2-4 and page 5, lines 5-7 refers to as a stop member, the Applicant respectfully disagrees with the Office's aforementioned. It is submitted that Fireman's joining first leg 46 and second leg 47 are different from the stop member of

Applicant's amended claim 9. More specifically, as disclosed above, the stop member of Applicant's claim 9 limits the "...movement of the support member of the first section when the furniture frame is in the bed position." (Emphasis added.) Referring to Figure 5 and column 7, lines 40-44 of Fireman, note that Fireman's joining first leg 46 and second leg 47 does not limit the movement of the support legs 31 of his end frame 30 or the support legs 21 of his back frame 20 when his device is in the sofa bed position. Fireman's joining first leg 46 and second leg 47 instead functions by "... providing support between the end frame 30 and back frame 20 against jackknifing when the sofa bed position is use."

Applicant's amended claim 9 also calls for a "...at least one stop member located on the side of the first section in a fixed condition...." (Emphasis added.) It is submitted that the reference of Fireman does not teach his first leg 46 and second leg 47 as being located on his end frame 30 and back frame 20 in a fixed condition. Fireman instead in Figures 1-4 teaches the opposite, namely that his first leg 46 and second leg 47 are pivotably or movably attached to his end frame 30 and back frame 20.

It is further noted that since Fireman's support legs 21 and 31 are fixedly secured to his back frame 20 and end frame 30 and thus can not move with respect to his end frame 30 and back frame 20, Fireman's support legs 21 and 31 do not require a member such as the stop member of Applicant's claim 9 to limit their movement.

It is for the above reasons that the Applicant submits that Applicant's amended claim 9 is allowable over the reference of Fireman.

**Rejection under 35 U.S.C. 102(b)
to the reference of Djie**

Applicant's claim 20 stands rejected under 35 U.S.C. 102(b) as being anticipated by the reference of Djie (U.S. Patent No. 5,315,722). In rejecting Applicant's claim 20, the Office referred to Figures 3a-3c, 4a-4c, 7a, 7b, and 8 and column 5, lines 31-68; column 6, lines 1-22 and column 7, lines 9-37 of Djie in support of the Office's rejection. The Applicant respectfully disagrees with the Office's aforementioned rejection of Applicant's method claim 20.

Applicant's claim 20 includes the steps of:

“... disengaging a prop bar from a notch of a catch member located on the side of the seat section;
moving a backrest support member away from the catch member of the seat section
....”

The Applicant submits that the reference of Djie does not teach the above steps, as the seat 1 of Djie does not include the use of a prop bar. Djie instead in Figures 4a, 4b, and 4c shows the use of a locking cam 6. The Applicant respectfully submits that Djie's locking cam 6 is different from the prop bar of Applicant's claim 9.

It is submitted that the reference of Djie also does not teach the step of “...moving a backrest support member away from the catch member of the seat section ...” as Djie does not teach the use of a backrest support member that can be moved away from the Djie's locking surface 10.

It is for the above reasons that the Applicant respectfully submits that Applicant's method claim 20 is allowable over the references of Djie.

In further regards to Applicant's dependent claims 2-10 and 12-17, Applicant's claims 2-10 each depend on Applicant's independent claim 1. Since Applicant's independent claim 1, as amended, is allowable for the reasons given above, Applicant's dependent claims 2-10 should also be allowable. Applicant's dependent claims 12-17 each depend on Applicant's independent claim 11. Since Applicant's independent claim 11, as amended, is allowable for the reasons given above, Applicant's dependent claims 12-17 should also be allowable.

In view of the above, it is submitted that the application is in condition for allowance. Allowance of claims 1-20, as amended, is respectfully requested. Applicant has enclosed a version of the amendment showing changes made with this response.

**Extension of time to file
respond to Office Action**

On November 3, 2005 the Applicant's attorney received a call from the Office (Examiner Santos) inquiring whether the Applicant was going to reply to an Office Action dated May 19, 2005 or let the above-identified application go abandoned. The Applicant's Attorney submits that this was the first time that the Applicant's Attorney was made aware the Office Action of May 19, 2005. At the receipt of Examiner Santos's phone call of November 3, 2005, the Applicant's Attorney reviewed the law firm's file for the above

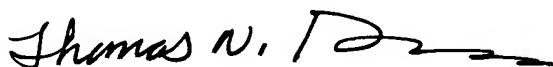
case along with the law firm's docketing book, which both indicated that Examiner Santos's Office Action dated May 19, 2005 was never received.

In response to the above and in order to expedite the case, the Applicant has elected to pay the 3-months time extension fee for responding to the Office Action instead of filing a petition to have the period for reply reset. In view of the aforementioned, the Applicant has enclosed a petition for a 3-month time extension along with a credit card authorization form in the amount of \$510.00 for payment of the time extension fee. Please charge any additional fees to deposit account 10-0210.

Respectfully submitted,

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By



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Enclosure